No. 658
25/10/39

CATTLE-POUNDS.*

1. Under the provisions of Section 2 of Act V of 1868, the Governor of Bombay in Council is pleased, with the consent of the Governor General of India in Council, to delegate to the Commissioner in Sind the powers of a Local Government, under Sections 4 and 18 of Act I of 1871 (The Cattle Trespass Act). (G. N., J. D., dated 24th June 1871.)

2. Government have no objection to the delegation of the general control vested in Government by Section 4 of Act I of 1871 to the Revenue and Police Commissioners, with the exception of the power to dispose of the surplus proceeds, which are credited to Local Funds. (G. R. No. 3933, dated 10th August 1872.)

3. The Commissioners should issue strict orders that all the gross cattle-pound receipts should be credited, and all disbursements debited, according to the general rule so that uniformity may exist. The gross proceeds to be brought to account should include only those sums which are levied as fines and those collected on account of the sale-proceeds of cattle. Charges on account of feeding cattle during the time they remain in the pounds, which are taken from the owners and paid at once to the parties to whom due, are not to be brought to account in the Mámlatdárs' books. (G. Rs., G. D., Nos. 1725, dated 22nd April 1872, 2118, dated 27th May 1872, and 2612, dated 2nd July 1872.)

4. Section 12 of the Cattle Trespass Act prescribes the fines that may be levied in respect of cattle impounded. It indicates also what 'charges' may be levied for releasing impounded animals. No other claim can be legally made. (G. R., G. D., No. 1894, dated 2nd May 1888.)

5. Where practicable, the necessity for bringing stray animals from beyond municipal limits to municipal pounds should be obviated by establishing pounds for circles of villages in convenient situations. (G. R., G. D., No. 3498, dated 10th October 1873.)

6. The system of farming out cattle-pounds to contractors is objectionable, inasmuch as it seems to hold out direct encouragement to the contractor to abet, or connive at, illegal seizure. The system is not recognized by the Cattle Trespass Act, and is opposed to the spirit of that Act, though it may not be expressly prohibited. (G. I., H. D., No. 5-337, dated 11th March 1891, to the Government of Bengal; *vide* G. R., G. D., No. 1141, dated 31st idem.)

Note.—The practice of farming out cattle-pounds to contractors does not prevail in any of the districts in the Bombay Presidency: *vide* G. R., G. D., No. 1641, dated 9th May 1891.

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* This subject was dealt with by the General Department up to the end of February 1893.

7. The following rules have been prescribed for the information and guidance of all officers concerned in the management of cattle-pounds :—

1. Under the provisions of Act I of 1871 the Police Pátel is *ex-officio* keeper of the pound in his village and is answerable for the proper carrying out of the provisions of the Act. Where there is no Police Pátel to a village, the person who is specially appointed for this purpose by the District Magistrate will be a special pound-keeper in that village.

2. The Act contains all necessary information with regard to mode of seizure of cattle, and so forth. The forms necessary for carrying on the duties of pound-keeper are hereto appended. Printed copies of these forms will be furnished on indents submitted through the Mámlatdár of the táluka. In most instances these forms require no explanation, but in case of doubt explanatory notes have been given at the foot of the form.

3. Printed lists of fines, as specified in Section 12 of Act I of 1871, will be furnished on application to Mámlatdárs. The pound-keeper shall post up such lists in a conspicuous part of the pound and of each village.

4. As every pound-keeper is bound to feed and water all impounded animals until such time as the same are either delivered over to the owners or otherwise disposed of, he may in those cases, where an advance is necessary, be allowed to meet such charges by an advance not exceeding Rs. 10 from the Cattle-pound Fund. The pound-keeper shall keep the account of such advance as per Form No. VI, hereto appended. Such advances shall be adjusted yearly according to the orders in force. When a pound-keeper delivers over charge of his office, he and his successor shall jointly report to the Mámlatdár their having respectively delivered over and received charge of the money received as an advance.

5. The feeding charges of the impounded cattle shall not exceed the rates which may have been or may hereafter from time to time be sanctioned by the District Magistrate. Printed lists of such rates will be furnished to each pound-keeper through the Mámlatdár of the táluka. Copies of such lists must be posted up in a conspicuous part of the pound and of each village.

6. All fines collected by the pound-keeper shall be retained in his custody and when these amount to or exceed Rs. 10 he shall, subject to the provisions of Rule 12, remit the same to the Mámlatdár's treasury with a duplicate memorandum, as per Form No. VII, showing the amount so remitted. On the 20th March of each year the pound-keeper shall, with a similar memorandum, remit to the Mámlatdár's treasury any balance in hand, however small it may be. The Táluka Treasury Officer, after crediting the amount received, should return one copy of the memorandum duly receipted to the

cattle pound-keeper and the duplicate copy should be retained by the Treasury Officer as a chellah for the receipt.

7. The officer in charge of the Police Station shall keep a register, Form No. IX, of all cases referred for disposal under Section 14 of Act I of 1871. He shall also keep a day-book, Form No. X, in which he shall enter all sums realized by the sale of cattle, all sums remitted to the táluka treasury, as also the charges of feeding, &c., paid to pound-keepers.

8. Subject to the provisions of Rule 12, the officer in charge of the Police Station should, as a rule, remit the cattle-pound receipts to the táluka treasury, the day on which they are received by him. The money should be accompanied by a remittance report in duplicate. The amount due to fine and that due to surplus sale-proceeds should be shown separately. No other detail is necessary. The Treasury Officer should return one copy of the remittance report duly receipted and shall retain the other copy as a chellan for the receipt.

9. The Mámlatdár (the Táluka Treasury Officer) on receipt of this amount should at once credit to the Cattle-pound Fund the amount of penalties, and bring the balance, being the amount of surplus sale-proceeds, to the head of Judicial Deposits, to be disposed of as detailed below.

10. The Mámlatdár shall then issue a notice, as per Form No. XI, to be posted on the notice board in the kacheri, inviting claimants for the money in deposit within three months from the date of the notice. At the end of three months, if no person should appear to claim the money, it shall be carried to the credit of the Cattle-pound Fund.

11. If any claimant come forward within the time allowed, the Mámlatdár, after due enquiry and upon being satisfied that the claim is proved, shall, after receiving the sanction of the District Magistrate, make over to such claimant the amount held in deposit.

12. In the case of cattle-pounds situated within the limits of any Municipality, the sums collected shall be credited to the Municipality instead of to the Cattle-pound Fund. The receipts on account of such pounds shall be remitted, with a separate remittance report, as hereinbefore provided, in order that the money may be sent to the Municipality with such remittance report. The Municipality shall, in acknowledging the receipt of the money so remitted, act as provided in Rule 6 or 8, as the case may be.

13. The Assistant Collector in charge of the táluka should, as often as possible, examine all the registers and accounts kept by the pound-keepers and by the officers in charge of the Police Station. The Mámlatdárs and Police Officers must, on their periodical tours, examine the registers kept by the pound-keepers and give the requisite instructions

for their being correctly and neatly kept. The Mámlatdár shall further examine the registers kept by the Officer in charge of the Police Station.

14. The *ex-officio* and special pound-keepers will be remunerated out of the Pound Fund for their duties as pound-keepers according to the scale fixed by orders of the Local Government.

15. If the *ex-officio* pound-keeper be unable to write, he shall employ the Village Accountant to keep the pound register and other documents relating to the pound, but the pound-keeper shall attest these papers by his signature or mark. The pound-keeper and the Village Accountant shall be jointly responsible for the correctness of all the papers. In such cases the Village Accountant shall receive one-half of the amount paid to the pound-keeper out of the pound-keeper's remuneration.

16. The remuneration of the pound-keeper shall be disbursed when the Potagi (or Pátel's salary) is disbursed, *i. e.*, in the months of January and July. The Mámlatdárs should prepare half-yearly bills for this purpose, and should, prior to their disbursement, obtain the sanction of the Huzúr Deputy Collector. The first bill should be prepared for the months from December to May. The bill should be submitted to the Huzúr Deputy Collector for sanction by the 10th of June, and the payment thereof should be made in the month of July. The second half-yearly bill should be prepared for the other six months, *i.e*, for the months from June to November. The second bill should be punctually sent by the Mámlatdár to the Huzúr Deputy Collector by the 10th of December and the payment made in the January following.

17. In preparing bills, care should be taken that no pound-keeper is allowed remuneration in excess of the maximum amount fixed by the Local Government.

(G. Rs., G. D., Nos. 3, dated 3rd January 1876, and 1161, dated 12th April 1877.)

(*Note.*—See G. Rs., G. D., Nos. 1653, dated 24th May 1878, and 3377, dated 6th November 1878, which modify the rules regarding the sale of cattle by Chief Constables.)